



Record/FILE ON DEMAND

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

<p>Nelson L. Bruce,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>TELUS International (U.S.) Corp.</p> <p style="text-align: right;">Defendants.</p>	<p>Case No.: 2:24-cv-01157-CDS-NJK</p> <p>PLAINTIFF'S PETITION TO COMPEL TELUS INTERNATIONAL (U.S.) CORP. TO PRODUCE AFFIDAVIT RESPONSE</p>
--	---

INTRODUCTION

Plaintiff Nelson L. Bruce respectfully moves this Honorable Court for an order compelling TELUS International (U.S.) Corp. ("TELUS") to produce their discovery response in affidavit form, under oath and penalty of perjury, as required under the applicable rules of evidence governing non-party discovery responses.

FACTUAL BACKGROUND

1. On December 7, 2023, Plaintiff served a subpoena on TELUS International (U.S.) Corp. seeking documents relevant to the pending litigation in the district court for South Carolina case no. 22-cv-01292.
2. On October 17, 2024, Plaintiff filed an amended petition to compel discovery due to TELUS's failure to comply with the subpoena (ECF No. 11).
3. On January 14, 2025, this Court granted Plaintiff's petition to compel discovery, ordering TELUS to comply with the subpoena by January 31, 2025 (Order Granting Petition to Compel, ECF No. 18).
4. On February 18, 2025, TELUS responded by email with a letter stating that "TELUS Digital has no documents in its possession, custody, or control that are responsive to the requests outlined in the subpoena."
5. TELUS's response was not provided under oath or in affidavit form, thereby failing to meet the evidentiary requirements necessary for admissibility in the current pending matter.
6. On Feb. 25, 2025, I email TELUS back stating that "I need an authorized individual of your client to indicate in affidavit form that "TELUS Digital has no documents in its possession, custody, or control that are responsive to the requests outlined in the

subpoena" which was indicated in the attached letter sent in the prior email as soon as possible." As of the date of this filing, TELUS has not responded.

LEGAL STANDARD

Under Rule 45 of the Federal Rules of Civil Procedure, a non-party's response to a subpoena must be made in a manner that satisfies the evidentiary requirements for admissibility. Courts have repeatedly held that non-party responses must be verified under oath when objecting or claiming non-possession of documents (see...*U.S. ex rel. Compton v. Midwest Specialties, Inc.*, 142 F.3d 296, 302 (6th Cir. 1998)). Furthermore, courts have recognized that an affidavit confirming the non-existence of documents must be provided under penalty of perjury (see...*CareToLive v. FDA*, No. 09-4084 (6th Cir. 2011)).

ARGUMENT

1. Failure to Provide a Legally Sufficient Response

- TELUS's letter response does not comply with the legal requirement that such statements be made under oath. An unsworn letter lacks the necessary evidentiary weight for admissibility and cannot be used in the pending litigation.

2. Necessity for an Affidavit or Sworn Testimony

- Without an affidavit, Plaintiff has no means of ensuring that TELUS's response is truthful and accurate. An affidavit under penalty of perjury would ensure that the response is legally binding and subject to consequences in case of falsehood.

3. Judicial Precedent Supports the Requested Relief

- Courts have consistently held that non-party responses must be in affidavit form where no responsive documents exist (see...*Shurtleff v. United States Environmental Protection Agency*, 991 F. Supp. 2d 1, 15 (D.D.C. 2013)).

REQUESTED RELIEF

Plaintiff respectfully requests this Court to issue an order:

1. Compelling TELUS International (U.S.) Corp. to submit a sworn affidavit, under penalty of perjury, confirming that they have no documents in their possession, custody, or control responsive to Plaintiff's subpoena.
2. Directing TELUS to submit the affidavit within seven (7) days of the Court's order.
3. Granting any other relief this Court deems just and appropriate.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant this motion to compel TELUS International (U.S.) Corp. to produce their response in affidavit form.

Dated this 3rd day of March, 2025.

RESPECTFULLY PRESENTED,



Nelson L. Bruce, Propria Persona, Sui Juris
All Secured Natural Rights Explicitly Reserved and Retained "With Prejudice"
c/o P.O. Box 3345, Summerville, South Carolina 29484
Phone: 843-437-7901
Email: leonbruce81@yahoo.com